

Senate Amendment to
House File 514

H-8130

1 Amend House File 514, as passed by the House, as
2 follows:
3 1. By striking everything after the enacting clause
4 and inserting:
5 <Section 1. Section 631.1, Code 2014, is amended by
6 adding the following new subsection:
7 NEW SUBSECTION. 9. The district court sitting in
8 small claims has concurrent jurisdiction of an action
9 to determine ownership of goods under section 714.28
10 relating to claims against purchased or pledged goods
11 held by pawnbrokers, regardless of the value of the
12 items in dispute.
13 Sec. 2. NEW SECTION. 714.28 Claims against
14 purchased or pledged goods held by pawnbrokers.
15 1. As used in this section, unless the context
16 otherwise requires:
17 a. "*Claimant*" means a person who claims that the
18 person's property was misappropriated.
19 b. "*Conveying customer*" means a person who delivers
20 property into the custody of a pawnbroker, either by
21 pawn, sale, consignment, or trade.
22 c. "*Misappropriated*" means stolen, embezzled,
23 converted, or otherwise wrongfully appropriated against
24 the will of the rightful owner.
25 2. To obtain possession of purchased or pledged
26 goods held by a pawnbroker which a claimant claims to
27 have been misappropriated, the claimant must notify
28 the pawnbroker by certified mail, return receipt
29 requested, or in person evidenced by signed receipt,
30 of the claimant's claim to the purchased or pledged
31 goods. The notice must contain a complete and accurate
32 description of the purchased or pledged goods and must
33 be accompanied by a legible copy of the applicable
34 law enforcement agency's report documenting the
35 misappropriation of the property. If the claimant and
36 the pawnbroker do not resolve the right to possession
37 within ten days after the pawnbroker's receipt of the
38 notice, the claimant may petition the district court
39 sitting in small claims to order the return of the
40 property, naming the pawnbroker as a defendant, and
41 shall serve the pawnbroker with a copy of the petition.
42 The pawnbroker shall hold the property described in the
43 petition until the right to possession is resolved by
44 the parties or by the court.
45 3. If, after notice and a hearing, the court finds
46 that the property was misappropriated and orders the
47 return of the property to the claimant, both of the
48 following shall apply:
49 a. The claimant may recover from the pawnbroker the
50 costs of the action.

1 b. If the conveying customer was convicted in a
2 separate criminal proceeding of theft or dealing in
3 stolen property involving the misappropriated property,
4 the court shall order the conveying customer to repay
5 the pawnbroker the full amount that the conveying
6 customer received from the pawnbroker for the property,
7 plus all applicable pawn service charges. As used
8 in this paragraph, "*convicted*" includes a plea of
9 no contest to the charges or any agreement in which
10 adjudication is withheld.

11 4. If the court finds that the claimant failed
12 to comply with the requirements of this section or
13 otherwise finds against the claimant, the claimant
14 shall be liable for the defendant's costs.>

15 2. Title page, by striking lines 1 through 3 and
16 inserting <An Act specifying procedures for resolving
17 claims against purchased or pledged goods held by
18 pawnbrokers.>